

Message Text

LIMITED OFFICIAL USE

PAGE 01 NASSAU 01765 201955Z

51

ACTION ARA-20

INFO OCT-01 ISO-00 L-03 JUSE-00 SS-20 NSC-10 SPC-03 PRS-01

RSC-01 DRC-01 /060 W

----- 042911

P R 201523Z NOV 73

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC PRIORITY 4905

INFO AMEMBASSY SAN JOSE

LIMITED OFFICIAL USE NASSAU 1765

E. O. 11652: N/A

TAGS: PFOR CPRS BF

SUBJ: EXTRADITION - ROBERT L. VESCO - DAY FIVE

REF: NASSAU 1757

BEGIN SUMMARY: THE NOV 19 SESSION OPENED WITH THE MAGISTRATE ANNOUNCING THAT MINISTER ADDERLEY HAD REPLIED TO THE COURT'S LETTER, STATING THAT THE EXTRADITION TREATY IS STILL VALID. DUPUCH WAS THEN ALLOWED TO READ A NOV 18 MIAMI HERALD ARTICLE WHICH HE TERMED A SCURRILOUS ATTACK ON THE GCOB, THE COURT AND THE BAHAMAS. JOHN LOWE RETURNED TO THE WITNESS BOX FOR THE REMAINDER OF THE SESSION. DUPUCH'S CROSS-EXAMINATION OF LOWE ON US LAW WAS AIMED AT SHOWING THAT (1) "SENDING OF THE WIRE" WAS THE OFFENSE AND NOT FRAUD, AND (2) THE US WAS REALLY AFTER VESCO ON MORE THAN ONE CHARGE. THE MAGISTRATE SEEMS TO HAVE HAD DIFFICULTY IN UNDERSTANDING HOW THE INDICTMENT COULD BE A ONE-COUNT INDICTMENT AND YET THE US WAS ASKING FOR EXTRADITION UNDER TWO SECTIONS OF THE USC FOR FRAUD AND FOR AIDING AND ABETTING. THE SESSION WAS ADJOURNED UNTIL 2:30 P.M. NOV 20 WITH DUPUCH STATING THAT HE HAD A FEW MORE HOURS OF QUESTIONING FOR LOWE. FOLLOWING THE SESSION FOR THE FIRST TIME VESCO ENGAGED THE US ATTORNEYS IN CONVERSATION, SUGGESTING, WHAT FIRST SEEMED GENUINE BUT LATER APPEARED IN JEST, THAT HE WOULD RETURN TO THE US VOLUNTARILY TO FACE THE ONE CHARGE FOR WHICH EXTRADITION IS BEING SOUGHT. END
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 NASSAU 01765 201955Z

SUMMARY.

2. VESCO'S ENGLISH LAWYERS HAVE DEPARTED. THEY HAVE BEEN REPLACED BY HERBERT REID, DEAN OF THE HOWARD UNIVERSITY LAW SCHOOL.

3. THE NOV 19 SESSION OPENED WITH THE MAGISTRATE ANNOUNCING THAT MINISTER OF EXTERNAL AFFAIRS ADDERLEY REPLIED TO HIS LETTER STATING THAT THE EXTRADITION TREATY WAS STILL IN EFFECT. NO FURTHER DISCUSSION OF THE MATTER TOOK PLACE.

4. DUPUCH THEN CALLED TO COURT'S ATTENTION TO AN ARTICLE IN THE NOV 18 MIAMI HERALD BY LEO ADDE. HE TERMED THE ARTICLE A SCURRILOUS ATTACK ON THE GCOB, THE COURT AND THE BAHAMAS. HE THEN READ THE ENTIRE ARTICLE TO THE COURT AND HANDED IT TO THE MAGISTRATE. OSADEBAY CALLED THE ARTICLE A LIBEL ON THE COURT AND THE COUNTRY AND SAID HE WOULD TURN IT OVER TO THE CHIEF JUSTICE FOR APPROPRIATE ACTION. DUPUCH CITED AN ALLEGED QUOTE BY JOHN MURPHY OF THE JUSTICE DEPT AS PROOF THAT THE US INTENDED TO IGNORE ITS TREATY OBLIGATIONS AND TRY VESCO ON OTHER CHARGES, SINCE THE ARTICLE SAID THE US WAS AFTER VESCO ON FRAUD AND CONSPIRACY CHARGES. (COMMENT: IN FACT THE MENTION OF CONSPIRACY CHARGES WAS NOT PART OF A DIRECT QUOTE BY MURPHY.) WALLACE-WHITFIELD REMINDED OSADEBAY THAT THE MAGISTRATE HAD BEEN MISQUOTED BY THE HERALD (NASSAU 1723) AND THEREFORE SHOULD BE SUSPICIOUS OF THE QUOTE, BUT OSADEBAY REJECTED THIS ARGUMENT.

5. LOWE TOOK THE STAND FOR THE SECOND DAY. AN EXCHANGE TOOK PLACE ON THE STATUTE OF LIMITATION ON THE CHARGES AGAINST VESCO. DUPUCH'S AIM WAS TO SHOW THAT SINCE RUNNING TIME OF THE STATUTE BEGINS WITH THE SENDING OF THE WIRE, THE SENDING OF THE WIRE IS THE OFFENSE RATHER THAN THE FRAUD. LOWE APPEARS TO HAVE SUCCESSFULLY COUNTERED THAT ARGUMENT.

6. OSADEBAY APPEARS CONFUSED BY THE FACT THAT THE INDICTMENT IS A ONE-COUNT INDICTMENT, YET THE US IS ASKING FOR EXTRADITION ON TWO SECTIONS OF THE US CODE FOR FRAUD AND FOR AIDING AND ABETTING (18 USC 1341 AND 2). HE WANTS THE US TO PICK ONE OR THE OTHER. AFTER A LENGTHY BACK AND FORTH THE MATTER WAS LEFT IN THE AIR. DURING THE EXCHANGE OSADEBAY BROUGHT UP LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 NASSAU 01765 201955Z

AN 1875 US/UK EXTRADITION CASE (THE LAWRENCE CASE) IN WHICH UK SENT SOMEONE BACK TO U.S. ON FORGERY CHARGE AND U.S. ATTEMPTED TO TRY HIM ON SMUGGLING. THE INFERENCE WAS THAT THE US WOULD HAE TO CHOOSE FRAUD OR AIDING AND ABETTING.

7. DUPUCH UNSUCCESSFULLY TRIED TO BRING IN THE MITCHELL/STANS CASE IN ORDER TO DISCREDIT RICHARDSON. HE SUGGESTED THAT RICHARDSON WAS BOUGHT OFF WITH FREEDOM FROM PROSECU-

TION TO TESTIFY AGAINST VESCO. THE HEARING WAS ADJOURNED UNTIL 2:30 P.M. NOV 20 SINCE BOTH TEAMS OF ATTORNEYS HAD SUPREME COURT APPEARANCES IN THE MORNING. DUPUCH NOTIFIED THE COURT THAT HE HAD A FEW MORE HOURS OF QUESTIONS FOR LOWE.

8. FOLLOWING THE SESSION, FOR THE FIRST TIME VESCO ENGAGED THE US ATTORNEYS IN CONVERSATION. HE SAID HE WANTED TO TALK ABOUT A DEAL, STATING HE WOULD RETURN TO THE US TO STAND TRIAL ON THE PRESENT CHARGE ONLY. AT FIRST HE APPEARED SERIOUS. HE SAID HE HAD ONLY ONE PROBLEM, WE WOULD NOT GIVE HIM A VISA. THE US ATTORNEYS ASSURED HIM THAT SOMETHING COULD BE WORKED OUT AND SUGGESTED HE ACCOMPANY THEM TO THE EMBASSY. AT THIS POINT EVERYONE LAUGHED AND WENT THEIR SEPARATE WAYS.
SPIERS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 20 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973NASSAU01765
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: NASSAU
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731123/aaaaaqku.tel
Line Count: 129
Locator: TEXT ON-LINE
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: NASSAU 1757
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 16 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16-Jan-2002 by kelleyw0>; APPROVED <05-Feb-2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION - ROBERT L. VESCO - DAY FIVE
TAGS: PFOR, CPRS, BF
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005